No. 4 Orig.

Office Supreme Court U.S.
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JAMES H. McKENNEY,
Clerk.

Motion & Stipulation.

Supreme Court of the United States.

OCTOBER TERM, 1902.

Filed Nov. 10, 1902.

No. 4, Original.

THE STATE OF MISSOURI, COMPLAINANT,

vs.

THE STATE OF ILLINOIS ET AL.

MOTION FOR APPOINTMENT OF FRANK S. BRIGHT AS SPECIAL COMMISSIONER TO TAKE TESTIMONY, AND STIPULATION AS TO SAME.

H. J. HAMLIN,
JAMES TODD,
P. C. HALEY,
JOHN G. DRENNAN, AND
WM. M. SPRINGER,
Attorneys for Defendants.

CHARLES W. BATES,
Attorney for Complainant.

JUDD & DETWEILER, PRINTERS, WASHINGTON, D. C. 4733

Supreme Court of the United States

OCTOBER TERM, 1902.

No. 4, Original. In Equity.

THE STATE OF MISSOURI, COMPLAINANT,

vs.

THE STATE OF ILLINOIS AND THE SANITARY DISTRICT OF CHICAGO, DEFENDANTS.

MOTION FOR APPOINTING A COMMISSIONER TO TAKE TESTIMONY.

Now come the plaintiff and defendants in the above-entitled cause, by their attorneys respectively, and move the court that Mr. Frank S. Bright be appointed a special commissioner, under the rules of the court relating to masters in chancery, to take the testimony in this case and to report the same to the court, without findings of fact or his conclusions of law.

STATE OF MISSOURI,
By CHAS. W. BATES, *Its Attorney.*
STATE OF ILLINOIS,
By H. J. HAMLIN, *Attorney General.*
THE SANITARY DISTRICT OF CHICAGO,
By JAMES TODD and
P. C. HALEY,
JOHN G. DRENNAN,
WM. M. SPRINGER,
Its Attorneys.

[Endorsed:] Supreme Court U. S., October term, 1902. Term No. 4, original. The State of Missouri, complainant, *vs.* The State of Illinois *et al.* Motion for appointment of Frank S. Bright as special commissioner to take testimony. Filed Nov. 10, 1902.

IN THE SUPREME COURT OF THE UNITED STATES, OCTOBER TERM, 1902. IN EQUITY.

THE STATE OF MISSOURI, *Complainant*, *vs.* THE STATE OF ILLINOIS and THE SANITARY DISTRICT OF CHICAGO, *Defendants.* } No. 4. Original.

STIPULATION AS TO TAKING OF TESTIMONY.

Now come the plaintiff and defendants in the above-entitled case, by their attorneys respectively, and submit to this honorable court that an order may be entered in this case as follows:

Ordered by the court, That Mr. Frank S. Bright, a member of this bar and resident of the District of Columbia, be appointed a commissioner to take the testimony in this case; that the taking of testimony will begin on the first day of December, 1902, at such place as counsel for the plaintiff may indicate, notice of ten days as to the place to be furnished the counsel for the defendants; that the taking of such testimony for and on behalf of plaintiff may continue until the first day of March, A. D. 1902, at which time the plaintiff

shall conclude the taking of such testimony; that thereafter, commencing on the first day of March, 1902, the testimony in behalf of defendants shall be taken and shall be concluded on or before the first day of June, A. D. 1902. Ten days' notice as to the place where said testimony for the defendant shall be taken shall be given to counsel for the plaintiff; that thereafter rebutting testimony on behalf of the plaintiff may be taken at such place as counsel for plaintiff may indicate, five days' notice being given to counsel for defendant as to the place where such rebutting testimony shall be taken, plaintiff being required to conclude the taking of such rebutting testimony on or before the fifteenth day of June, A. D. 1902. The defendants shall then conclude the taking of any further testimony on or before the first day of July, A. D. 1902, at which time all of the testimony in said case shall be concluded.

One-half of the compensation and expenses of the commissioner shall be advanced by the plaintiff and one-half by the defendant The Sanitary District of Chicago, and each side shall pay such fees to its witnesses as may be necessary to secure their attendance, but not exceeding the fees allowed by law in such cases, the costs of the case to be taxed by the court on the final disposition of the case, to be paid in such manner as the court may at that time determine.

The commissioner shall be allowed twenty dollars per day for his compensation and his actual traveling and hotel expenses, an itemized statement of which shall be submitted to the court in his final report. He shall report to the court a stenographic copy of the testimony taken by him, to be furnished to him by the parties to the suit, but he shall not report any findings of facts or his conclusions of the law.

The said commissioner shall have the powers and perform the duties of a master in chancery as provided in rules of this court, and said rules shall apply in all respects to the proceedings to be taken under this order.

All of which is respectfully submitted.

STATE OF MISSOURI,
By CHAS. W. BATES, *Its Attorney.*
STATE OF ILLINOIS,
By H. J. HAMLIN, *Attorney General.*
THE SANITARY DISTRICT OF CHICAGO,
By JAMES TODD and
P. C. HALEY,
JOHN G. DRENNAN,
WM. M. SPRINGER,
Its Attorneys.

[Endorsed:] Supreme Court U. S., October term, 1902. Term No. 4, original. The State of Missouri, complainant, *vs.* The State of Illinois *et al.* Stipulation as to appointment of commissioner and as to taking testimony. Filed Nov. 10th, 1902.